United Nations A/54/215

General Assembly

Distr.: General
10 August 1999

Original: English

Fifty-fourth session
Item 14 of the provisional agenda*
Report of the International Atomic Energy Agency

Report of the International Atomic Energy Agency

Note by the Secretary-General

1. The forty-third report of the International Atomic Energy Agency for the calendar year 1998 (GC(43)/4) is submitted herewith to the General Assembly. Major developments since the report was published will be covered by the annual statement of the Director General of the Agency to the General Assembly. The report has been transmitted in accordance with the provisions of article III, paragraph 1 (a), of the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency (General Assembly resolution 1145 (XII), annex).

2. Since only a limited number of copies of this report are available, it has not been possible to make a full distribution. Delegations are therefore requested to have the copies transmitted to them available during the discussion of the item.

* A/54/150.

99-23492 (E) 250899

United Nations A/54/216

General Assembly

Distr.: General
12 August 1999

Original: English

Fifty-fourth session
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General

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99-23623 (E) 260899

I. Introduction

1. The General Assembly, in its resolutions 51/105 of 12 December 1996, 52/131 of 12 December 1997 and 53/149 of 9 December 1998, requested the Secretary-General to consult Member States and intergovernmental and non-governmental organizations on ways and means for the strengthening of United Nations action in the field of human rights, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report thereon to the Assembly.

2. Information contained in the present report has been drawn, *inter alia*, from the work of the Commission on Human Rights and of other bodies established under the Charter of the United Nations, from the process of United Nations reform and from reports prepared by the United Nations High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action.

II. International cooperation

3. One of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights. The important role of such international cooperation has also been recognized in international human rights instruments adopted since the Universal Declaration of Human Rights. Enhanced international cooperation in the field of human rights for the full achievement of the purposes of the United Nations was further recognized in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993.[1]

4. In April 1997, the Secretary-General's proposals for the reform of the United Nations placed human rights at the centre of all activities of the United Nations system. By stressing the cross-cutting nature of human rights in all matters, whether related to peace and security, humanitarian issues or development, the Secretary-General, in his own words, has "made human rights a priority in every programme the United Nations launches and in every mission we embark upon. I have done so because the promotion and defence of human rights is at the heart of every aspect of our work and every Article of our Charter."[2]

5. As a consequence of the Secretary-General's call for United Nations reform, ongoing efforts have been strengthened for developing and applying a common framework for United Nations assistance at the country level and encouragement has been provided to organizations of the United Nations system embarking upon the process of adopting a rights-based approach to their work and to accepting human rights impact assessment.[3]

6. From the perspective of the Office of the United Nations High Commissioner for Human Rights, considerable attention has been devoted to the integration of human rights activities in different sectors of the United Nations system, particularly within the context of development programmes. The participation of the High Commissioner in the executive committees and the Senior Management Group of the United Nations have facilitated this process.[4]

III. Universality, objectivity and non-selectivity

7. The Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action have given unequivocal recognition to the principle of the universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms. Both the Vienna Declaration and Programme of Action and the mandate of the United Nations High Commissioner for Human Rights reaffirmed the importance of the universality, objectivity and non-selectivity of the consideration of human rights issues. Likewise, they have given expression to the international community's determination to treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.[5] These principles guide the work of the Office of the United Nations High Commissioner for Human Rights.[6]

8. In her report to the Commission on Human Rights in 1998, the High Commissioner indicated that one specific objective of the human rights programme of her Office was to increase significantly the recognition of economic, social and cultural rights as well as the activities for their protection.[7]

9. Several new economic and social rights mandates, including the appointment of experts and rapporteurs on such matters as the relationship between human rights and extreme poverty, structural adjustment and foreign debt as well as on the right to development and the right to education, were created by the Commission on Human Rights in 1998.[8]

10. In her opening statement to the Commission at its fifty-fifth session, on 22 March 1999, the High Commissioner declared: "There is now, at last, a recognition that the old

reasons, or excuses, for selecting one set of rights over the other are no longer valid. As we enter the new century, we do so with the knowledge that enjoyment of all human rights, including the right to development, is the cornerstone of peace and security, and the key to preventing future conflict and building a common future."

IV. Strengthening international cooperation

11. In various resolutions adopted at its session in 1999 the Commission on Human Rights called upon the United Nations High Commissioner for Human Rights and her Office to strengthen international cooperation for the promotion and protection of human rights, especially through enhanced inter-agency coordination and cooperation, regional cooperation and national capacity-building.[9]

A. Enhancing inter-agency cooperation

12. In order to achieve the objectives of the Charter of the United Nations with respect to international cooperation for the protection and promotion of human rights, increased coordination throughout the United Nations system will be required, based on the consistent and objective application of international human rights instruments.[10] Expression of this need is found not only in the Vienna Declaration and Programme of Action and in the mandate of the High Commissioner, but also in requests addressed to the High Commissioner by States to, *inter alia*, assist States in strengthening the rule of law, promote the right to democracy, and mainstream technical cooperation in all areas of human rights.

13. With respect to the right to development, it is generally acknowledged that Governments on their own can not fully cope with its implementation. Moreover, the High Commissioner has repeatedly said that, in the age of globalization, the weight accorded to international cooperation is ever greater and should involve international and regional organizations, transnational corporations, NGOs and individuals.[11]

14. In recognition of the linkages between human rights and the promotion of sustainable human-oriented development, poverty eradication and social inclusion, the High Commissioner has intensified contacts and cooperation with the United Nations development agencies and the financial institutions.[12]

15. Those linkages have also led to the emerging acceptance of the rights-based approach to development and to international financial bodies beginning to consider the human rights consequences of their decisions.[13] In this regard, it should be recalled that the Vienna Declaration and Programme of Action called upon regional organizations and prominent international and regional finance and development institutions to assess the impact of their policies and programmes on the enjoyment of human rights.[14]

B. Fostering regional cooperation

16. Various activities to strengthen regional cooperation for the promotion and protection of human rights were proposed in the Vienna Declaration and Programme of Action. In response to those proposals, the High Commissioner has embarked on the process of deploying regional human rights advisers. This approach represents one of the tools chosen by the High Commissioner in response to the international community's recent requests concerning the enhancement of regional cooperation and the future utilization of appropriate regional and national expertise for technical assistance and advice in the field of human rights.[15] At its session in 1999, the Commission on Human Rights also called upon the Office of the High Commissioner to prepare and submit to the Commission a compendium of institutions and resource centres in developing countries specializing in human rights-related activities, with a view to promoting South-South cooperation.[16]

17. A number of regional meetings and workshops have advanced efforts to foster cooperation. For instance, the Asian Regional Workshop held at Tehran in 1998 agreed to a framework for cooperation with the Office of the United Nations High Commissioner for Human Rights. It identified priority areas for cooperation, including the development of national plans of action for human rights, the exchange of information on best practices for the establishment of national human rights institutions and the implementation of the right to development. Constructive cooperation in other regions, including within the framework of regional human rights mechanisms, has been pursued successfully by the Office of the High Commissioner.

18. The initiative by the Asia-Pacific Forum of National Human Rights Institutions to hold a workshop on cooperation between non-governmental organizations and national human rights institutions in mid-1999 was welcomed by the Commission on Human Rights, which recognized the important and constructive role that

non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights.[17]

C. Strengthening national capacities for the promotion and protection of human rights

19. At its 1999 session, the Commission on Human Rights reaffirmed that developing and strengthening national capacities for the promotion and protection of human rights provided the strongest foundation for effective and enduring international cooperation in the field of human rights.[18] In this connection, it referred to article 14, paragraph 3, of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in its resolution 53/144 of 9 December 1998, which provides for strong support for the creation and development of national human rights institutions,[19] and also endorsed the view of the Committee on Economic, Social and Cultural Rights[20] with regard to the role of national human rights institutions in promoting and ensuring the indivisibility and interdependence of all human rights.

20. Assistance in the establishment and strengthening of national human rights institutions is a significant segment of the technical cooperation programme of the Office of the United Nations High Commissioner for Human Rights. The High Commissioner's Special Adviser on National Institutions, Regional Arrangements and Preventive Strategies provides such assistance to countries regardless of their level of economic development;[21] this is in conformity with the request of the Commission on Human Rights that the Office of the High Commissioner offer advisory services to all countries irrespective of their economic status.[22]

D. Other issues

21. In the light of the increasing number of requests for advisory services resulting from the operation of human rights field presences and the recommendations emanating from the reports of the United Nations human rights treaty bodies and the special procedures mechanisms, the High Commissioner was called upon to take urgent measures to develop to the fullest extent the potential of human rights advisory services and technical cooperation and to accord the highest priority to those activities.[23]

22. The Office of the High Commissioner was further invited, in paragraph 16 of Commission on Human Rights resolution 1999/73 of 28 April 1999, to "institutionalize measures for the systematic follow-up of recommendations made by special rapporteurs and independent experts on the provision of advisory services and technical cooperation and for identifying the resources required for the implementation of those recommendations".

V. Recommendations

23. To promote transparency and the sharing of information with respect to the issue of mainstreaming technical cooperation activities in all areas of human rights, the Secretary-General suggests that consideration be given to inviting the Office of the United Nations High Commissioner for Human Rights to prepare and update a table, on a biennial basis, indicating the States that have received: (a) advice or assistance from the Office of the High Commissioner in respect of the establishment or strengthening of national institutions; (b) other assistance through the Office's advisory services and technical cooperation programme; or (c) a mission under a special procedures mandate.

Notes

[1] A/CONF.157/24 (Part I), chap. III.

[2] SG/SM/99/91, 7 April 1999.

[3] Innocenti Essays No. 9, A Human Rights Conceptual Framework for UNICEF, by Marta Santos Pais (UNICEF International Child Development Centre, Florence, Italy, 1999).

[4] E/CN.4/1999/9, paras. 9 and 83–84.

[5] See A/CONF.157/24 (Part I), chap. III, para. 5, and General Assembly resolution 48/141.

[6] For example, see Commission on Human Rights resolution 1999/54 of 27 April 1999, entitled "Strengthening the Office of the United Nations High Commissioner for Human Rights".

[7] E/CN.4/1998/122, para. 25.

[8] See Commission on Human Rights resolutions 1998/24, 1998/25, 1998/33, 1998/72.

[9] See Commission on Human Rights resolutions 1999/54, 1999/57, 1999/72, 1999/73.

[10] A/CONF.157/24 (Part I), chap. III, para. 4.

[11] E/CN.4/1999/9, para. 41, and Commission on Human Rights resolution 1999/79.

[12] Commission on Human Rights resolutions 1999/73 and 1999/74.

[13] E/CN.4/1999/9, paras. 9 and 40.

[14] A/CONF.157 (Part I), chap. III, sect. II.A, para. 2.

[15] See, *inter alia*, Commission on Human Rights resolutions 1999/69 and 1999/73.

[16] Commission on Human Rights resolution 1999/73, para. 12.

[17] Commission on Human Rights resolution 1999/72, para. 18.

[18] Commission on Human Rights resolution 1999/73, para. 2.

[19] Commission on Human Rights resolution 1999/72, para. 3.

[20] See Committee on Economic, Social and Cultural Rights General Comment No. 10 (1998) (E/1999/22, annex V).

[21] See E/CN.4/1999/95, paras. 6–11.

[22] Commission on Human Rights resolution 1999/73, para. 7.

[23] Ibid., para. 9.